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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,173

01/24/2005

Koji Inoue

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,173

Applicant(s)

INOUE, KOJI

Examiner

Barry J. Gooden Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,14,15,17,18,21-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,14,15,17,18,21-29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed March 19, 2007. Currently, claims 6, 7, 14, 15, 17, 18, 21-29, and 31-34 are pending. Claims 1-5, 8-13, 16, 19, 20 and 30 are canceled. Claims 1-3 and 6 are amended; and claims 9-30 are new.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 14, 15, 17, 18, 21-29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application, No. 10-7003.

A steering column apparatus comprising:

a vehicle body-side bracket (6) mounted to a vehicle body member (See figure 8) to have a pair of side plate portions (7) opposed each other to be extended in a vertical direction;

a steering column for supporting a steering shaft to be rotatable therein, the steering column being formed with a distance unit and having a pair of side portions disposed to be clamped between the side plate portions of the body-side bracket to fix a position of the steering column; and,

an adjusting mechanism (12) operable to clamp and release the side portion of the distance unit with respect to the side plate portions (7) of the body-side bracket (6) to permit adjustment of the steering column position (See figure 8);

wherein the steering column (3) is formed with a reinforcement portion (21) for enhancing clamping rigidity of the distance unit (29) with respect to the side plate portions (7);

wherein the reinforcement portion (21) is formed so as to couple the side portions of the distance unit together in at least one of an upper part and a lower part of the side portions (See figure 2);

Art Unit: 3616

wherein the reinforcement portion (21) includes at least one convex streak or concave streak (See figure 2); and

wherein the steering column (3) is adjustable at least in one of a tilting direction or a telescopic direction with respect to the body-side bracket (6) (See figure 8).

In regards to claims 10-13, 16-20, and 26-30, Japanese Patent Application, No. 10-7003, discloses all of the claimed elements including a steering column apparatus comprising:

a vehicle body-side bracket (6) mounted to a vehicle body member (See Figure 8) and having a pair of side plate portions (7) opposed each other;

a steering column (3) having an expanded portion with a pair of side portions disposed to be clamped between the side plate portions (7) of the body-side bracket (6) to fix a position of the steering column (3); and,

an adjusting mechanism (12) operable to clamp and release the side portions of the expanded portion with respect to the side plate portions (7) of the body-side bracket (6) to permit adjustment of the steering column (3) position;

wherein an upper wall portion of the steering column (3) between the side portions of the expanded portion is formed with a reinforcement portion (21) which enhances a clamping rigidity of the expanded portion with respect to the side plate portions of the body side bracket;

wherein the reinforcement portion (21) includes a convex or concave formation on the upper wall portion;

wherein the reinforcement portion (21) extends along a plane transverse to an axis of the steering column (Reference is made to Figure 1);

wherein the reinforcement portion (21) includes a convex or concave band (Reference is made to Figure 2);

wherein the reinforcement portion (21) includes a plurality of the bands (Reference is made to Figure 2);

Art Unit: 3616

wherein the reinforcement portion (21) is also formed on a bottom wall of the expanded portion (Reference is made to Figures 4-7);

wherein the steering column (3) is adjustable at least in one of a tilting direction or a telescopic direction with respect to the body-side bracket (6);

wherein the upper wall portion of the steering column (3) has an arch-shaped cross-section (Reference is made to Figure 3);

wherein said reinforcement portion (21) is also formed on a bottom wall of the expanded portion (Reference is made to Figures 4-7);

wherein the cross-section of the upper wall is arcuate (Reference is made to Figure 3).

In regards to claims pertaining to the method of forming the device (i.e. hydroforming), examiner maintains the method of forming the device is not germane to the issue of patentability of the device itself, as such the "expanded by hydroforming plastic work" is not being given patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reinforcement portion of Japanese Application No. 10-7003 to include the band extending from one side portion to the other side portion so as to reinforce the entire panel rather than simply the top portion.

Response to Arguments

4. In light of new supreme court decisions, *KSR International Co. v. Teleflex Inc. et al.*, the examiner has reconsidered the application and where previous lack of explicit motivation had prevented a case of obviousness, examiner has reassessed the obvious use of the structure as taught by Japanese Patent Application, No. 10-7003. As such the, Applicant's arguments with respect to claims 6, 7, 14, 15, 17, 18, 21-29 and 30-34 have been considered but are moot in view of the new ground(s) of rejection.

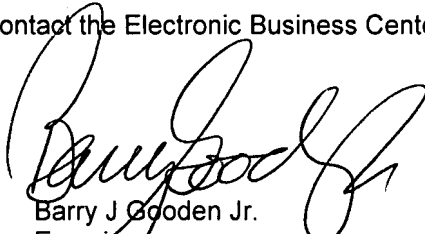
Art Unit: 3616

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/14/07
Barry J. Gooden Jr.
Examiner
Art Unit 3616

BJG


ERIC CULBRETH
PRIMARY EXAMINER